

IOWA DISTRICT COURT, FIFTH JUDICIAL DISTRICT

**IN RE TEMPORARY CLOSURE OF THE
WARREN COUNTY COURTHOUSE
AND TEMPORARY LOCATIONS FOR
HOLDING COURT**

ADMINISTRATIVE ORDER 2016-24

On June 16, 2016 and June 20, 2016, the Court notified the Warren County Board of Supervisors that the Warren County Courthouse is not suitable for use and habitable for occupancy by the courts for the reasons stated in the County's engineering reports and air quality survey. The Court notified the Board of Supervisors that due to the condition of the Warren County Courthouse, repair work involving removing asbestos, turning off the water to install a bypass, and reactivating the plumbing could not be safely done while the courthouse is occupied by the courts. The Court notified the Board of Supervisors that on or about July 5, 2016, the Court would temporarily vacate the courthouse to clear the way for this work to be done. The Court has been working cooperatively with the Board to locate temporary court facilities in Warren County and the Court and the Board will continue to do so. However, suitable temporary facilities in Warren County are not available at this time.

The Court has learned that on Monday, June 27, 2016 beginning at 4:30 p.m., an asbestos remediation contractor retained by Warren County is scheduled to remove asbestos from an area of the courthouse occupied by the Court. The asbestos removal is scheduled to be complete prior to the Court returning to session on Tuesday, June 28, 2016 at 8:00 a.m. On Thursday, June 30, 2016 beginning at 4:30 p.m., a plumbing contractor retained by Warren County is scheduled to shut off the water in the courthouse to install the bypass. The County plans to turn the water back on prior to the Court returning to session on Friday, July 1, 2016 at 8:00 a.m.

Perhaps this work will be completed on time and without incident. However, the Court is

not assured that the asbestos can be removed in the time allowed without risk of exposure to court employees and the public to friable asbestos in the courthouse. The Court is not assured the plumbing can be re-activated without risk that the pipes will leak in the courtrooms and offices on or near the Court's equipment, records and workstations. The work needs to be done but the planned work schedule presents an imminent risk to the health and safety of court staff and courthouse visitors in Warren County. The Court continues to believe this work cannot be safely done while the Warren County Courthouse is occupied by the courts. Therefore, as a prudent precautionary measure, the Court finds it necessary to temporarily close the courts in Warren County and temporarily relocate the courts to nearby courthouses.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Emergency Closure of Warren County Courts. On Monday, June 27, 2016 at 4:30 p.m. the Warren County Clerk of Court Office and all the Warren County courts shall close to the public on an emergency basis. The Warren County District Court, including all district and district associate judges and court staff, shall temporarily re-locate to the Madison County Courthouse in Winterset, Iowa; the Marion County Courthouse in Knoxville, Iowa; and the office of the Warren County Juvenile Court Services in Indianola, Iowa. All court proceedings scheduled in the Warren County District Court for Tuesday, June 28, 2016 and Wednesday, June 29, 2016 are hereby postponed to be rescheduled for a later date with notice to the parties, unless otherwise ordered by the court on a case by case basis.

2. Emergency Proceedings During Court Closure. While the courts are closed to the public on June 28 and June 29, 2016, Warren County Judges shall be available for emergency proceeding and statutorily required proceedings in Warren County at times and places assigned by Court Administration as follows:

- District Associate Judges shall conduct initial appearances pursuant to Iowa Court Rules 2.2(1) and 2.2(d).
- District Associate Judges shall conduct detention and shelter care hearings

pursuant to Iowa Code sections 232.21(4), 232.22(4), and 232.44(1).

- District Associate Judges shall conduct mental health and substance abuse commitments on an emergency basis pursuant to Iowa Code sections 229.11 and 125.81.
- A District Judge designated by court administration shall conduct domestic abuse emergency proceedings pursuant to Iowa Code section 236.6.
- Any available District Judge or District Associate Judge shall respond to all criminal court emergencies such as search warrants and arrest warrants and all other emergency proceedings as necessary.
- The Warren County District Court shall re-open for judicial business on Thursday, June 30, 2016 at 8:00 a.m. and thereafter as set forth in this order:

3. Designation of Places of Holding Court. Pursuant to Iowa Code section 602.1211(1) and 602.6105(1) and Iowa Court Rules 22.5 and 22.8(1), the Chief Judge hereby designates the following places of holding court in and for Warren County:

- The Madison County Courthouse and the Marion County Courthouse and the courthouses of all counties contiguous to Warren are designated as places of holding court for Warren County.
- Warren County: The Warren County Clerk of Court shall be open to the public for filings, records retrieval and other transactions at the office of the Warren County Juvenile Court Services, 111 N. Buxton, Street, Indianola, Iowa. Record Storage shall continue at the Warren County Courthouse and clerk's staff shall access the records once a day for abstractors and members of the public. Initial appearances shall continue to be conducted by District Associate Judges at the Warren County jail until further order.
- The Warren County Administration Building, 301 N. Buxton Street, Indianola,

Iowa is designated as a place of holding court.

4. Case Assignment by Case Type.

- Madison County: All Warren County civil, family law and domestic, small claims, probate and juvenile court cases shall be heard in Madison County.
- Marion County: All misdemeanor and indictable criminal cases and traffic cases shall be heard in Marion County.

5. Court Scheduling.

- Beginning Thursday, June 30, 2016, all scheduled civil, small claims, family law, probate and juvenile court proceedings before the District Associate Court and District Court of Warren County shall be heard at the scheduled time before a District Judge or District Associate Judge of the Warren County District Court at the Madison County Courthouse in Winterset, Iowa.
- Beginning Thursday, June 30, 2016, all scheduled indictable criminal cases, misdemeanors and traffic court cases shall be heard at the scheduled time before a District Judge or District Associate Judge of the Warren County District Court at the Marion County Courthouse in Knoxville, Iowa.
- Warren County District Court Criminal Court Service Days shall be held at the Marion County Courthouse on Tuesday July 5, 2016 and every Monday thereafter.
- Warren County District Court Civil Court Service Days shall be held in Madison County on Wednesday, July 6, 2016 and every Tuesday thereafter.
- Warren County District Associate Court Civil Service Days shall be held in Madison County on every Tuesday and Friday beginning July 5, 2016.
- Warren County District Associate Court Criminal Service Days shall be held in Marion County on every Tuesday and Friday beginning July 5, 2016.

6. Trials.

- Depending on case type, all civil and criminal non-jury trials shall be conducted at the Madison County Courthouse, Marion County Courthouse or a courthouse of a county contiguous to Warren County as assigned by court administration with the consent of the parties pursuant to Iowa Code section 602.6105(1). Due to the emergency nature of this order, consent of the parties is implied unless a party objects. Objections shall be presented to the Chief Judge or his designee and the Court will decide the location of the trial.
- All criminal juries shall be selected from the Warren County jury pool at the auditorium of the Warren County Administration Building or at such other location as otherwise ordered by the Court. After jury selection, Warren County criminal jury trials shall be conducted at the Marion County Courthouse unless otherwise ordered by the Court. Transportation of the juries to and from the Marion County Courthouse shall be provided by bus or the Court will pay mileage to the jurors.


7. Security. Pursuant to Iowa Code sections 602.653(4) and 331(1)(b), the Warren County Sheriff shall provide a deputy or other certified peace officer in standard uniform for bailiff and other law enforcement services at all times that the Warren County District Court is in session at the Madison County Courthouse, Marion County Courthouse or the courthouse of any contiguous county to Warren.

8. Notice. The Warren County Clerk of Court shall attempt to give notice to all parties scheduled to be in court in Warren County on Tuesday, June 28, 2016 and Wednesday, June 29, 2016 that their scheduled hearing or court appearance is postponed and that it will be rescheduled to a date certain pursuant to this order. In addition, a copy of this order shall be posted on the entrance of the Warren County Courthouse and the Judicial Branch Website.

9. Effective Date of Temporary Order. This temporary order is effective immediately and shall remain in effect until:

- a) suitable temporary court facilities are constructed at the county seat in Indianola, Iowa; or
- b) the Court deems the Warren County Courthouse at Indianola, Iowa habitable for occupancy and suitable for use by the District Court; or
- c) until further order of the Court.

So ordered this 24th day of June, 2016.


Arthur E. Gamble, CHIEF JUDGE
Fifth Judicial District of Iowa

Copies to: All D5 District & District Associate Court Judges
Warren County Board of Supervisors
Madison County Board of Supervisors
Marion County Board of Supervisors
Warren County Clerk of Court
Warren County Sheriff
Warren County Attorney
Hon. David Wiggins, Liaison Justice Iowa Supreme Court
David Boyd, State Court Administrator

FILED
WARREN COUNTY, IA.
15 JUN 24 AM 11:23
CLERK DISTRICT COURT